

APPEAL NO. 020985
FILED JUNE 10, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on March 22, 2002. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury on _____, and that she had disability from August 20, 2001, through the date of the CCH. The appellant (self-insured) appealed and the claimant responded.

DECISION

The hearing officer's decision is affirmed.

The claimant testified that she worked as a custodian for the self-insured and injured her right knee while carrying boxes of textbooks upstairs. The claimant has been diagnosed as having a meniscal tear of the right knee. The claimant's initial treating doctor placed her on a light-duty work status. The claimant said that the self-insured did not have light-duty work for her to do. The claimant's current treating doctor has placed her on a no-work status. The claimant said that a referral doctor has recommended that she have surgery on her right knee. The claimant had the burden to prove that she sustained a compensable injury as defined by Section 401.011(10) and that she has had disability as defined by Section 401.011(16). The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer's decision is supported by the claimant's testimony and by the reports of the treating doctor and referral doctor. The fact that the claimant continued to work for a few days after the injury does not compel a finding against the claimant, as is contended by the self-insured. The hearing officer noted that the claimant initially thought the pain in her knee would subside and that the claimant wanted to work and needed her job. The hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**DR. G
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Robert W. Potts
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Philip F. O'Neill
Appeals Judge